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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

“AMY,” ET AL.,

Plaintiffs,

v.

RANDALL STEVEN CURTIS,

Defendant.

Case No. 19 Cv. 2184 PJH

DEFENDANT RANDALL CURTIS’S
ADMINISTRATIVE MOTION TO FILE
UNDER SEAL; DECLARATION OF
COUNSEL IN SUPPORT

Before the Honorable Phyllis J. Hamilton
Chief United States District Judge

MOTION

Pursuant to Civil Local Rules 7-11 & 79-5, defendant Randall Curtis, by and through his counsel, respectfully moves for an Order allowing Mr. Curtis to file portions of the Opposition to Plaintiffs' Motion for Summary Judgment and Exhibits C-2 and D to the Declaration of Ethan A. Balogh under seal. Mr. Curtis bases his administrative motion on the Protective Order issued by the Court, *see* ECF 61, and he further sets forth the good cause supporting this motion in the declaration of counsel that follows.

Respectfully submitted,

DATED: January 29, 2021

COLEMAN & BALOGH LLP

/s/ E A Balogh
By: ETHAN A. BALOGH
235 Montgomery Street, Suite 1070
San Francisco, CA 94104
Direct: 415.391.0441

Attorneys for Defendant
RANDALL CURTIS

DECLARATION OF ETHAN A. BALOGH

I, Ethan A. Balogh, declare under penalty of perjury as follows:

1. I am a partner in the law firm of Coleman & Balogh LLP and serve as counsel to Randall Curtis. I am admitted to practice before this Court and state the following on personal knowledge, and if called as a witness could testify competently thereto.

2. Attached hereto as Exhibit 1 is a redacted version of Defendant's Opposition to Plaintiff's Motion for Summary Judgment, and attached hereto as Exhibit 2 is an unredacted version. I have redacted identifier information regarding Plaintiffs' and their relatives in accordance with Court's protective order.

3. Attached hereto as Exhibit 3 is a redacted version of the Declaration of Ethan A. Balogh opposing Plaintiff's Motion for Summary Judgment, and attached hereto as Exhibit 4 is the unredacted version.

3. Exhibit C-1 to my declaration was designated “Confidential AEO” at the deposition of Plaintiffs’ expert because the text addresses identifier information. I have redacted that entire portion of the transcript. Exhibit C-3 contains exhibits from Mr. Laws deposition that Plaintiffs’ had previously designated Confidential and/or Confidential AEO pursuant to the protective order. The C-3 exhibits contain identifier information and photographs that Plaintiffs maintain should remain sealed. We thus submit this request in accordance with the Court’s Protective Order. Last, Exhibit D contains Plaintiffs’ expert disclosures. With the exception of the first disclosure, which Plaintiffs disclosed publicly in a prior filing, the Exhibit D materials overlap in large part with the C-3 exhibits, and are sought to be sealed for the same reason. Accordingly, I respectfully submit that Mr. Curtis has demonstrated good cause to support the partial sealing of the Balogh Declaration, *viz.*, the sealing of Exhibits C-1, C-3, and most of Ex. D.

I state the foregoing is true and correct under penalty of perjury under the laws of the United States.

Dated: January 29, 2021

/s/ *E A Balogh*
ETHAN A. BALOGH

1 **PROOF OF SERVICE**

2 I, Ethan A. Balogh, certify that on the date set forth below, I served all parties in this
3 matter by causing the preceding pleading to be sent via email to Plaintiffs' counsel Carol
4 Hepburn, Deb Bianco, and John Kawai, in complete unredacted version of this as well.

5 Dated: January 29, 2021

/s/ E A Balogh
ETHAN A. BALOGH